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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,564	11/20/2003	Steve Anspach	ANSPACH	7050

7590 03/04/2009

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EXAMINER	
LEMMA, SAMSON B	
ART UNIT	PAPER NUMBER
2432	

MAIL DATE	DELIVERY MODE
03/04/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/716,564	ANSPACH, STEVE	
	Examiner	Art Unit	
	Samson B. Lemma	2432	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 February 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-8 and 10-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 3-8 and 10-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 17, 2009 has been entered.

2. Claims 2 and 9 were previously canceled. Thus claims 1, 3-8 and 10-14 are pending/examined. There are two independent claims in the application, namely claims 1 and 8 and both are amended.

Priority

3. This application claims priority of a provisional application, application No. 60/502,660 filed on September 15, 2003. Therefore, the effective filling data for the subject matter defined in the pending claims of this application is **09/15/2003.**

Response to Arguments

4. Applicant's remark/arguments filed on February 27, 2009 have been fully considered but they are not persuasive.
Applicant's representative argued that inherency in improper in a 103 rejection.

This is with respect to the following former amended limitation recited in independent claims 1 and 8, "**wherein a payload of said encapsulated Type 1 encrypted data stream IP packet contains routing information for routing said encapsulated Type 1 encrypted data stream**"

Examiner disagrees with the above argument.

First of all, Examiner asserts that Applicant admits that IP packets contain routing information in their headers. It is clear for one of ordinary skill in the art that when packet is encapsulated, the entire packet is included within the payload of the encapsulated packet creating an inner and outer packet. New header information is added to the outer packet, but the inner packet still has its routing information in its header. **However, because the entire inner packet is within the payload of the outer packet, its routing information is within the payload.**

With the above understanding, Examiner additionally cited or taken official notice to indicate that such generally known concepts in included also in the art on the record. Specifically Examiner attached [See RFC 2406 IP Encapsulated Security Payload November 1998] to support his explanation. Thus the Nortel and KIV-7's "routing information routing information is included in IP encapsulated security Payload, is a logical and correct understanding.

Therefore contrary to the applicants' submitted argument, Examiner would like to point out that, in relying upon the above concept, the examiner provided a

basis in fact and/or technical reasoning to reasonably support the determination that the characteristic necessarily flows from the teachings of the applied prior art." *Ex parte Levy,* 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)

Applicant's representative further added the following limitation at the end of each independent claims 1 and 8 and argued that the art on the record does not disclose or teach the following added limitation, "...**encrypted data stream to an analog communications device**"

However such limitation is already disclosed by the reference/s on the record, For instance the primary reference on the record discloses how VOIP is communicated between PC'S and between Personal computer and i2004 phones.

Once the VOIP is received, it is well known for one of ordinary skill the art that there are several devices that would allow to convert VOIP to analog signal so that voice which is coming/received could be heard.

For instance **USB phones** does one and the same thing. They are essentially an integrated speaker, microphone and keypad which interfaces with your computer via a vacant USB port. USB VOIP phones typically resemble their conventional telephone handset counterparts and function in much the same way.

Furthermore **Broadband Analog Telephone Adapters ATA** also is used to convert VOIP received at Your PC so that you can use your conventional Telephone Handset/analog device to conduct VOIP remotely. As the name

implies, Analog Telephone Adapters are devices which convert the analog signals generated by your conventional telephone into digital 'data packet' signals that can be carried via the Internet. Conversely, they also translate the digital signals received by your Internet Connection or VOIP indicated in the primary reference into Analog signals that you hear through your conventional Telephone Handset.

Furthermore the headphone which can be connected to the any personal computer could receive VOIP from remote device as shown on primary reference and convert such signal to the analog signal so that remote video conferencing or regular conversation/voice could be heard by the person listening the conversation and such headphone is an analog device.

In order to show how each and every limitation of the independent claims are disclosed by the reference/s on the record (Notel in view of KIV-7), the examiner would like to point out the following.

For instance referring to the independent claim 1 and 8, which includes all the above argued limitation, **Notel, the primary reference on the record discloses a method of encrypting and transmitting voice and data together in a secure communication system** [Figure 5, see "Streamed VoIP data encrypted at sender using encryption data"], said method comprising:

- **Receiving a voice-over-IP (VoIP) data stream from a telephony device ;** *[See figure 1, "i2004" or see figure 1, "i2050" and figure 2, "VOIP phone")]*

- **Receiving data communications from a computing device; [see figure 1, "Teleworker PC"/or "i2050PC" and figure 2, see the PC]**
- ***Combining said VoIP data stream and said data communications to form a single combined data stream (See figure 1 and 2 and page 2, column 2)***
- **Encrypting said single combined data stream through encryption unit into an encrypted data stream;** [Page 2, column 3, 1st paragraph, see also figure 2, "Encrypted Voice/data"] **and**
- **Encapsulating said encrypted data stream in IP packets for transmission to analog communication device** *[Page 2, column 3, 1st paragraph, such analog communication device is included in VOIP communication. Once the VOIP is received, it is well known for one of ordinary skill the art that there are several devices that would allow to convert VOIP to analog signal so that voice which is coming/received could be heard. For instance* ***USB phones*** *does one and the same thing. They are essentially an integrated speaker, microphone and keypad which interfaces with your computer via a vacant USB port. USB VOIP phones typically resemble their conventional telephone handset counterparts and function in much the same way. Furthermore* ***Broadband Analog Telephone Adapters ATA*** *also is used to convert VOIP received at Your PC so that you can use your conventional Telephone Handset/analog device to conduct VOIP remotely. As the name implies, Analog Telephone Adapters are devices which convert the analog signals generated by your conventional telephone into digital 'data packet' signals that can be carried via the Internet. Conversely, they also translate the digital signals received by*

your Internet Connection or VOIP indicated in the primary reference into Analog signals that you hear through your conventional Telephone Handset. Furthermore the headphone which can be connected to the any personal computer could receive VOIP remotely and convert such signal to the analog signal so that remote video conferencing or regular conversation/voice could be heard by the person listening the conversation and such headphone is an analog device.)

and

- **wherein a payload of encapsulated data stream IP packet contains routing information for routing said encapsulated data stream** *(Examiner asserts that Applicant admits that IP packets contain routing information in their headers. It is clear for one of ordinary skill in the art that when packet is encapsulated, the entire packet is included within the payload of the encapsulated packet creating an inner and outer packet. New header information is added to the outer packet, but the inner packet still has its routing information in its header. However, because the entire inner packet is within the payload of the outer packet, its routing information is within the payload. See also RFC 2406 IP Encapsulating Security Payload November 1998)*

Nortel does not explicitly disclose said encrypting data using a Type 1 encryption unit or the encapsulated data is encrypted by type 1 encryption unit.

However, in the same field of endeavor "complete pc solution", discloses said encrypting data/videoconferencing /VOIP using a Type 1 encryption unit,

wherein said Type 1 encryption unit comprises: a KIV type encryption unit. [See page 1]

Thus the amendment has not yet overcome the ground of rejection set forth in the previous office action and the rejection is maintained.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. **Claims 1, 3-8, 10-14** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Nortel Network, an article written with title "Securing Voice across the Internet"** (Hereinafter referred as **Nortel)** (2002, see reference U) in view of article written with the title, "The complete PC solution for the KIV-7") (Hereinafter referred as "complete pc solution"**)** (Copyright 2002) (Submitted with IDS)

7. **As per independent claims 1 and 8 Notel discloses a method of encrypting and transmitting voice and data together in a secure**

communication system [Figure 5, see "Streamed VoIP data encrypted at sender using encryption data"], said method comprising:

- **Receiving a voice-over-IP (VoIP) data stream from a telephony device ;** *[See figure 1, "i2004" or see figure 1, "i2050" and figure 2, "VOIP phone"]*
- **Receiving data communications from a computing device; [see figure 1, "Teleworker PC"/or "i2050PC" and figure 2, see the PC]**
- ***Combining said VoIP data stream and said data communications to form a single combined data stream (See figure 1 and 2 and page 2, column 2)***
- **Encrypting said single combined data stream through encryption unit into an encrypted data stream;** [Page 2, column 3, 1st paragraph, see also figure 2, "Encrypted Voice/data"] **and**
- **Encapsulating said encrypted data stream in IP packets for transmission to analog communication device** *[Page 2, column 3, 1st paragraph, such analog communication device is included in VOIP communication. Once the VOIP is received, it is well known for one of ordinary skill the art that there are several devices that would allow to convert VOIP to analog signal so that voice which is coming/received could be heard. For instance* ***USB phones*** *does one and the same thing. They are essentially an integrated speaker, microphone and keypad which interfaces with your computer via a vacant USB port. USB VOIP phones typically resemble their conventional telephone handset counterparts and function in much the same way. Furthermore* ***Broadband Analog Telephone Adapters ATA*** *also is used to convert VOIP*

received at Your PC so that you can use your conventional Telephone Handset/ analog device to conduct VOIP remotely. As the name implies, Analog Telephone Adapters are devices which convert the analog signals generated by your conventional telephone into digital 'data packet' signals that can be carried via the Internet. Conversely, they also translate the digital signals received by your Internet Connection or VOIP indicated in the primary reference into Analog signals that you hear through your conventional Telephone Handset. Furthermore the headphone which can be connected to the any personal computer could receive VOIP remotely and convert such signal to the analog signal so that remote video conferencing or regular conversation/voice could be heard by the person listening the conversation and such headphone is an analog device.)

and

- **wherein a payload of encapsulated data stream IP packet contains routing information for routing said encapsulated data stream** *(Examiner asserts that Applicant admits that IP packets contain routing information in their headers. It is clear for one of ordinary skill in the art that when packet is encapsulated, the entire packet is included within the payload of the encapsulated packet creating an inner and outer packet. New header information is added to the outer packet, but the inner packet still has its routing information in its header. However, because the entire inner packet is within the payload of the outer packet, its routing information is within the payload. See also RFC 2406 IP Encapsulating Security Payload November 1998)*

Nortel does not explicitly disclose said encrypting data using a Type 1 encryption unit or the encapsulated data is encrypted by type 1 encryption unit.

However, in the same field of endeavor "complete pc solution", discloses said encrypting data/videoconferencing /VOIP using a Type 1 encryption unit, wherein said Type 1 encryption unit comprises: a KIV type encryption unit. [See page 1]

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to combine the features of using Type 1/KIV-7 encryption unit as per teachings of "complete pc solution" into the method as taught **by Nortel in order to make easy and secure dial and answer call with a KIV-7 for PC to PC based** videoconferencing**. [See "**complete pc solution" **page 2 last Paragraph]**

8. **As per claims 3 and 10 the combination of Nortel and complete pc solution discloses a method as applied above. Furthermore complete pc solution discloses the method wherein: said combining is performed by a voice-enabled router.** *[See on page 2, on the figure, "Router" and on page 1, third paragraph, "it can connect to any remote device including routers..." or see also on Turt, figure 1, ref. num 5 and 7]*

9. **As per dependent claims 4-7 and 11-14 the combination of Nortel and complete pc solution discloses a method as applied above. Furthermore complete pc solution discloses the method wherein: said Type 1 encryption unit is a KIV-type encryption unit.** [See page 1 and the figures in page 2]

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (See PTO-Form 892)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samson B Lemma whose telephone number is 571-272-3806. The examiner can normally be reached on Monday-Friday (8:00 am---4: 30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BARRON JR GILBERTO can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Samson B Lemma/
Examiner, Art Unit 2432

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